

THE HONORABLE JUDGE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

FEDERAL HOME LOAN MORTGAGE
CORPORATION,

Plaintiff,

v.

JOHN DOE, JANE DOE and all Occupants of
the Premises located at 8361 Seabreeze Court,
Blaine WA 98230,

Defendants.

CASE NO. 2:15-cv-00881

DECLARATION OF EMILY HARRIS
IN SUPPORT OF OBJECTION TO
NOTICE OF REMOVAL AND
MOTION TO REMAND

NOTE ON MOTION CALENDAR:
FRIDAY, JULY 10, 2015

ROBERT BROWN, an individual,

Third-Party Plaintiff,

v.

NORTHWEST TRUSTEE SERVICES, INC., a
Washington Corporation; RCO LEGAL, P.S., a
Washington Professional Services Organization;
WELLS FARGO BANK, N.A.,

Third-Party Defendants.

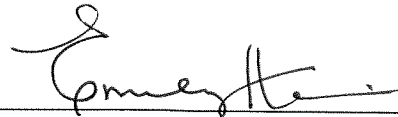
I, Emily Harris, hereby declare as follows:

1. I am over the age of eighteen (18) and competent to testify. I make this declaration on the basis of personal knowledge.
2. I am an attorney licensed to practice in Washington and I represent the Defendant and Third Party Plaintiff in the above captioned case.

1 3. Attached as Exhibit A is a true and correct copy of the Notice to Federal Court of
2 Removal of Civil Action From State Court Pursuant to 28 U.S.C. §§ 1331 & 1442 and 12
3 U.S.C. § 1452(f) filed in United States District Court Central District of California *Mendoza*
4 *v. Federal Nat. Mortg. Ass'n*, Nos. 10-56069, 10-56058 (9th Cir. 2012).

5
6 I declare under penalty of perjury under the laws of the United States of America that the
7 foregoing is true and correct.
8

9 Dated this 18th day of June, 2015 at Arlington, Washington.

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12 Emily A. Harris, WSBA# 46571
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CERTIFICATE OF SERVICE

I, Ashley Burns, certify under penalty of perjury under the laws of the United States of America that on this 18th day of June, 2015 I electronically filed the foregoing Declaration of Emily Harris in Support of Objection to Notice of Removal and Motion to Remand with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the registered users of the CM/ECF system in this action

DATED this 18th day of June, 2015 at Arlington, Washington.

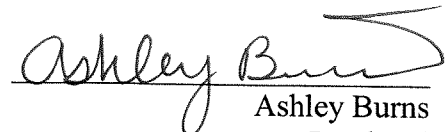

Ashley Burns
Paralegal
Stafne Trumbull, PLLC

Exhibit A

1 Irwin S. Evans, Esq., SBN: 037896 (irwin_evans@gshllp.com)
 2 Kenneth M. Jones, Esq. SBN: 140358 (kenneth_jones@gshllp.com)
 3 GONZALEZ SAGGIO & HARLAN LLP
 3699 Wilshire Boulevard, Suite 890
 4 Los Angeles, California 90010
 Telephone (213) 487-1400; Facsimile (213) 487-1402

5 Attorneys for Defendant, FEDERAL HOME LOAN MORTGAGE CORP.

6 Brian P. Brooks, Esq., SBN: 172151 (bbrooks@omm.com)
 7 Elizabeth C. Lemond, SBN: 216690 (elemond@omm.com)
 8 O'MELVENY & MYERS, LLP
 610 Newport Center Drive, 17th Floor
 Newport Beach, California 92660-6429
 9 Telephone (213) 430-6000; Facsimile (213) 430-6407

10 Attorneys for Defendant, FEDERAL NATIONAL MORTGAGE ASO.

11 **UNITED STATES DISTRICT COURT**

12 **CENTRAL DISTRICT OF CALIFORNIA**

13
 14 JULIA ORELLANA, an individual,
 15 MARIA DE LA PAZ CRUZ, an individual,
 ARTHUR CRUZ, an individual, AGRIPINO
 16 BALDERAS, an individual, JOSE
 MENDOZA, an individual, ANA
 17 GONZALEZ, an individual, MARGARET
 DOZIER, an individual, ANTHONY CRUZ,
 18 an individual; ALL OTHERS SIMILARLY
 SITUATED,

19 Plaintiffs,

20 v.

21 DEUTSCHE BANK NATIONAL TRUST
 22 COMPANY; ONEWEST BANK; BANK OF
 AMERICA; CITIBANK; FEDERAL
 23 NATIONAL MORTGAGE ASSOCIATION;
 U.S. BANCORP; BANK OF NEW YORK
 24 MELLON; FEDERAL HOME LOAN
 MORTGAGE CORPORATION; DOES 1
 25 through 10,000, inclusive,

26 Defendants.

Case No: CV 09 09367

R PLA

**NOTICE TO FEDERAL COURT OF
 REMOVAL OF CIVIL ACTION
 FROM STATE COURT PURSUANT
 TO 28 U.S.C. §§ 1331 & 1442 and 12
 U.S.C. §1452(f)**

Action Filed:

Service Date:

2009 DEC 22 AM 11:06
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES

FILED

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT AND TO
2 PLAINTIFF AND HER ATTORNEY OF RECORD HEREIN:

3 Pursuant to 28 U.S.C. §1331 & 1442, and 12 U.S.C. §1452(f), Defendants
4 Federal Home Loan Mortgage Corporation ("Freddie Mac") and Federal National
5 Mortgage Association ("Fannie Mae") hereby give notice of removal of this action
6 from the Superior Court of the State of California for the County of Los Angeles,
7 where it is pending, to the United States District Court for the Central District of
8 California. As grounds for this removal, Freddie Mac and Fannie Mae show unto the
9 Court the following:

10 1. The Plaintiffs, JULIA ORELLANA, an individual, MARIA DE LA
11 PAZ CRUS, an individual, ARTHUR CRUZ, an individual, AGRIPINO
12 BALDERAS, an individual, JOSE MENDOZA, an individual, ANA GONZALEZ,
13 an individual, MARGARET DOZIER, an individual, ANTHONY CRUZ, an
14 individual; ALL OTHERS SIMILARLY SITUATED commenced this action
15 against Freddie Mac, Fannie Mae and others in the Superior Court of the State of
16 California for the County of Los Angeles, on or about November 20, 2009.
17 Plaintiff's Complaint purports to allege various causes of action against Freddie
18 Mac, Fannie Mae and others in connection with the sale of certain properties in Los
19 Angeles, California.

20 2. Fannie Mae was served with a copy of the Class Action Complaint on
21 November 30, 2009. Freddie Mac was served a copy of the Class Action Complaint
22 on December 2, 2009. This Notice of Removal is timely because it is filed (a) within
23 thirty (30) days after Fannie Mae and Freddie Mac were served with the Class
24 Action Complaint (28 U.S.C. §1446(b)), and/or (b) before trial of this action (12
25 U.S.C. §1452(f)(3)).

26 3. This Court's jurisdiction over this action is based upon 12 U.S.C.
27 §1452(0)(1)&(2) (Freddie Mac) and 12 U.S.C. §1723a(a) (Fannie Mae).

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4. Freddie Mac is a United States corporation chartered by an Act of Congress organized and existing under the Federal Home Loan Mortgage Corporation Act, 12 U.S.C. §1451, et seq., with its principal place of business located in McLean, Virginia.

5. 12 U.S.C. §1452(0)(1) provides that Freddie Mac "shall be deemed to be an agency included in sections 1345 and 1442 of such Title 28." Section 1452(f) of Title 12 further provides, in pertinent part, that any civil action in a state court to which Freddie Mac is a party may, at any time before trial, be removed to the United States District Court embracing the place where the action is pending. 12 U.S.C. §1452(f)(3).

6. 28 U.S.C. §1442(a) does not require Freddie Mac to notify or obtain the consent of any other defendant in this action in order to remove the entire case to federal court. See 28 U.S.C. 1442(a); *Durham v. Lockheed Martin Corp.*, 445 F.3d 1247, 1253 (9th Cir. 2006) (stating that "[w]hereas all defendants must consent to removal under section 1441..., a federal officer or agency defendant can unilaterally remove a case under section 1442..." (citations omitted)); *Ely Valley Mines, Inc. V. Hartford Accident & Indemnity Co.*, 644 F. 2d 1310, 1315 (9th Cir. 1981) (stating that "§1442 represents an exception to the general rule (under §§1441 and 1446) that all defendants must join in the removal petition").

7. Freddie Mac is a party to the State Court Action as referenced above, and no trial of the action has yet taken place. The United States District Court, Central District of California is the federal judicial district and division embracing the Superior Court of the State of California for the County of Los Angeles where this action was originally filed. See 28 U.S.C. §84(c)(2). Freddie Mac is therefore entitled to remove that action to this Court.

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8. Fannie Mae Charter Act is a United States corporation chartered by an Act of Congress organized and existing pursuant to its Charter Act, 12 U.S.C. §§1716, et seq., with its principal place of business located in Washington, D.C.

10. The U.S. Court of Appeals for the D.C. Circuit, along with other federal courts, has expressly held that Fannie Mae's Charter Act confers federal subject-matter jurisdiction and authorizes Fannie Mae to remove civil actions to federal court. See *Pirelli Armstrong Tire Corp. Retiree Med. Benefits Trust v. Raines*, 534 F.3d 779, 787-88 (D.C. Cir. 2008); *In re Fannie Mae 2008 Securities Litig.*, 2009 U.S. Dist. LEXIS 109888, at 11-12 (S.D.N.Y. Nov. 24, 2009).

VENUE

NOTICE

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1 14. Concurrently with the filing of this Notice of Removal, by means of the
2 Notice of Filing of Notice of Removal filed in the State Court Action and attached
3 hereto as Exhibit C, Freddie Mac is giving written notice to all known parties, and to
4 the Clerk of the Superior Court of the State of California for the County of Los
5 Angeles, of (i) this removal; (ii) the fact that this case is to be docketed in this Court;
6 and (iii) that this Court shall hereafter be entitled to grant all relief to Freddie Mac as
7 is proper under the circumstances, all in accordance with 12 U.S.C. §1452 and such
8 local rules as may be applicable.

9 15. Attached hereto as Exhibit B are copies of all state court pleadings with
10 which Freddie Mac or Fannie Mae has been served in this matter.

11 Respectfully submitted, this 21st day of December, 2009.

12 GONZALEZ SAGGIO & HARLAN LLP
13 Attorneys for Defendants,
14 Federal Home Loan Mortgage Corporation

15
16 By: 

17 IRWIN S. EVANS

18 KENNETH M. JONES

19 O'MELVENY & MYERS, LLP
20 Attorneys for Defendants,
21 Federal National Mortgage Association

22
23 By: 

24 BRIAN P. BROOKS

25 ELIZABETH C. LEMON

EXHIBIT

"A"

STROOCK & STROOCK & LAVAN LLP
JULIA B. STRICKLAND (State Bar No. 83013)
LISA M. SIMONETTI (State Bar No. 165996)
ERIC Y. HWANG (State Bar No. 258966)
2029 Century Park East, Suite 1800
Los Angeles, California 90067-3086
Telephone: 310-556-5800
Facsimile: 310-556-5959
Email: lacalendar@stroock.com

Attorneys for Defendant
CITIBANK, N.A.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JULIA ORELLANA, an individual,)
MARIA DE LA PAZ CRUZ, an)
individual, ARTHUR CRUZ, an individual,)
AGRIPINO BALDERAS, an individual,)
JOSE MENDOZA, an individual,)
ANA GONZALEZ, an individual,)
MARGARET DOZIER, an individual,)
ANTHONY CRUZ, and individual;)
ALL OTHERS SIMILARLY SITUATED,)
Plaintiffs,)

vs.

Case No.:

DEUTSCHE BANK NATIONAL TRUST)
COMPANY; ONEWEST BANK;)
BANK OF AMERICA;)
CITIBANK; FEDERAL)
NATIONAL MORTGAGE)
ASSOCIATION; U.S. BANCORP; BANK)
OF NEW YORK MELLON; FEDERAL)
HOME LOAN MORTGAGE)
CORPORATION; DOES 1 through)
10,000 inclusive,)

CONSENT TO REMOVAL

COMES NOW Defendant Citibank, N.A. and, by and through undersigned counsel,

Attorneys for Defendant
CITIBANK, N.A.

1 BROOKS R. BROWN (SBN 250724)
 bbrown@goodwinprocter.com
 2 CRISTINE C. REYNAERT (SBN 240476)
 creynaert@goodwinprocter.com
 3 **GOODWIN PROCTER LLP**
 10250 Constellation Blvd.
 4 Los Angeles, California 90067
 Tel.: 310.788.5100
 5 Fax: 310.286.0992

6 Attorneys for Defendants:
 Bank of America, N.A. and Bank of New
 7 York Mellon Corporation

8
 9 **UNITED STATES DISTRICT COURT**
 10 **CENTRAL DISTRICT OF CALIFORNIA**
 11 **WESTERN DIVISION**

Goodwin Procter LLP
 10250 Constellation Blvd.
 Los Angeles, California 90067

12 JULIA ORELLANA, an individual;
 MARIA DE LA PAZ CRUZ, an
 13 individual; ARTHUR CRUZ, an
 individual; AGRIPINO BALDERAS, an
 14 individual; JOSE MENDOZA, an
 individual; ANA GONZALEZ, an
 15 individual; MARGARET DOZIER, an
 individual; ANTHONY CRUZ, and
 16 individual; ALL OTHERS SIMILARLY
 SITUATED,

17 Plaintiffs,

18 v.
 19

20 DEUTSCHE BANK NATIONAL
 TRUST COMPANY; ONEWEST
 BANK; BANK OF AMERICA;
 21 CITIBANK; FEDERAL NATIONAL
 MORTGAGE ASSOCIATION; U.S.
 22 BANCORP; BANK OF NEW YORK
 MELLON; FEDERAL HOME LOAN
 23 MORTGAGE CORPORATION; DOES
 1 through 10,000 inclusive,

24 Defendants.
 25

Case No.

CONSENT TO REMOVAL

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1 COME NOW defendants Bank of America, N.A. and Bank of New York
2 Mellon Corporation, by and through undersigned counsel, hereby expressly consent
3 to the removal of this action by defendants Federal Home Loan Mortgage
4 Corporation and Federal National Mortgage Association to this Court from the
5 Superior Court of the State of California for the County of Los Angeles.

6
7 Respectfully submitted,

8 Dated: December 21, 2009

9 By: /S/ Brooks R. Brown
10 BROOKS R. BROWN
11 *bbrown@goodwinprocter.com*
12 CRISTINE C. REYNAERT
13 *creynaert@goodwinprocter.com*
14 **GOODWIN PROCTER LLP**
15 10250 Constellation Blvd.
16 Los Angeles, California 90067
17 Tel.: 310.788.5100
18 Fax: 310.286.0992

19 Attorneys for Defendants:
20 *Bank of America, N.A. and Bank of New*
21 *York Mellon Corporation*
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Goodwin Procter LLP
10250 Constellation Blvd.
Los Angeles, California 90067

1 MORGAN, LEWIS & BOCKIUS LLP
 2 ELIZABETH A. FROHLICH, State Bar No. 195454
 3 SHEILA A. JAMBEKAR, State Bar No. 239101
 4 One Market, Spear Street Tower
 5 San Francisco, CA 94105-1126
 6 Tel: 415.442.1000
 7 Fax: 415.442.1001
 8 email: efrohlich@morganlewis.com
 9 sjambekar@morganlewis.com

10 Attorneys for Defendant
 11 Deutsche Bank National Trust Company

12 UNITED STATES DISTRICT COURT
 13 CENTRAL DISTRICT OF CALIFORNIA

14 JULIA ORELLANA, an individual,
 15 MARIA DE LA PAZ CRUZ, an
 16 individual, ARTHUR CRUZ, an
 17 individual, AGRIPIÑO BALDERAS,
 18 an individual, JOSE MENDOZA, an
 19 individual, ANA GONZALEZ, an
 20 individual, MARGARET DOZIER, an
 21 individual, ANTHONY CRUZ, and
 22 individual; ALL OTHERS
 23 SIMILARLY SITUATED,

24 Plaintiffs,

25 vs.

26 DEUTSCHE BANK NATIONAL
 27 TRUST COMPANY; ONEWEST
 28 BANK; BANK OF AMERICA;
 CITIBANK; FEDERAL NATIONAL
 MORTGAGE ASSOCIATION; U.S.
 BANCORP; BANK OF NEW YORK
 MELLON; FEDERAL HOME LOAN
 MORTGAGE CORPORATION;
 DOES 1 through 10,000 inclusive,

Defendants.

Case No.

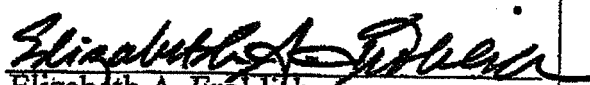
CONSENT TO REMOVAL

25 COMES NOW Defendant Deutsche Bank National Trust Company and, by
 26 and through undersigned counsel, hereby expressly consents to the removal of this
 27 action by Defendants Federal Home Loan Mortgage Corporation and Federal
 28 National Mortgage Association to this Court from the Superior Court of the State of

1 California for the County of Los Angeles.¹

2
3
4 Dated: December 21, 2009

MORGAN, LEWIS & BOCKIUS LLP

5
6 By 
Elizabeth A. Fröhlich
7 Attorneys for Defendant
8 Deutsche Bank National Trust
Company
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27 ¹ Plaintiffs' allegations relate solely to Deutsche Bank National Trust Company in its
28 capacity as trustee of specific trusts. To the extent Plaintiff seeks to assert claims against
Defendant in other capacities, this Consent to Removal applies to those claims, as well.

CONSENT TO REMOVAL

COMES NOW Defendant OneWest Bank, FSB and, by and through undersigned counsel, hereby expressly consents to the removal of this action by Defendants Federal Home Loan Mortgage Corporation and Federal National Mortgage Association to the United States District Court for the Central District of California from the Superior Court of the State of California in and for the County of Los Angeles.

Dated: December 21, 2009

DYKEMA GOSSETT LLP

By: 

Frederick S. Levin
Attorneys for Defendants
OneWest Bank, FSB

1 JUAN C. BASOMBRIO (SBN 150703)
 2 DORSEY & WHITNEY LLP
 3 38 Technology Drive, Suite 100
 4 Irvine, CA 92618-5312
 Telephone: (949) 932-3600
 Facsimile: (949) 932-3601
 Email: basombrio.juan@dorsey.com

5 Attorneys for Defendant
 6 U.S. BANCORP

7 UNITED STATES DISTRICT COURT
 8 CENTRAL DISTRICT OF CALIFORNIA

9 JULIA ORELLANA, an individual,)
 10 MARIA DE LA PAZ CRUZ, an individual,)
 11 ARTHUR CRUZ, an individual,)
 12 AGRIPINO BALDERAS, an individual,)
 13 JOSE MENDOZA, an individual,)
 14 ANA GONZALEZ, an individual,)
 MARGARET DOZIER, an individual,)
 ANTHONY CRUZ, and individual;)
 ALL OTHERS SIMILARLY SITUATED,)
 Plaintiffs,)

15 vs.)

CASE NO:

16)
 17 DEUTSCHE BANK NATIONAL TRUST)
 18 COMPANY; ONEWEST BANK; BANK OF)
 19 AMERICA; CITIBANK; FEDERAL)
 20 NATIONAL MORTGAGE)
 ASSOCIATION; U.S. BANCORP; BANK OF)
 21 NEW YORK MELLON; FEDERAL)
 HOME LOAN MORTGAGE)
 CORPORATION; DOES 1 through)
 10,000 inclusive,)
 Defendants.)

1 **U.S. BANCORP'S CONSENT TO REMOVAL**

2 COMES NOW Defendant U.S. Bancorp and, by and through undersigned counsel, hereby
3 expressly consents to the removal of this action by Defendants Federal Home Loan Mortgage
4 Corporation and Federal National Mortgage Association to this Court from the Superior Court of the
5 State of California for the County of Los Angeles.

6 Dated: December 21, 2009

Respectfully submitted,

7
8 By

Juan Basombrio by *KD*

Juan C. Basombrio

Dorsey & Whitney LLP

38 Technology Drive, Suite 100

Irvine, California 92618

Telephone (949) 932-3650

Facsimile (949) 932-3601

Email: basombrio.juan@dorsey.com

Attorneys for Defendant

U.S. BANCORP

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EXHIBIT

"B"

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DANIEL J. BRAMZON, ESQ BASTA, INC 2500 WILSHIRE BLVD., SUITE 1111 LOS ANGELES, CA 90057 TELEPHONE NO.: (213) 736-5050 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT NOV 30 2009 JOHN A. CLARKE, CLERK PAUL SANCHEZ, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL		CASE NUMBER: BC426638
PLAINTIFF/PETITIONER: JULIA ORELLANA, et al. DEFENDANT/RESPONDENT: DEUTSCHE BANK NATIONAL TRUST CO et al		Ref. No. or File No.: Dept 311
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☐ other (specify documents):
3. a. Party served (specify name of party as shown on documents served):
DEUTSCHE BANK NATIONAL TRUST COMPANY
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
BARBARA CAMPBELL (V.P.)
4. Address where the party was served:
1761 E. ST. ANDREWS PLACE, SANTA ANA, CA 92705
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): 11-27-09 (2) at (time): 1:16 PM
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: JULIA ORELLANA, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: DEUTSCHE BANK NATIONAL TRUST CO et,a	BC426638

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): **DEUTSCHE BANK**

under the following Code of Civil Procedure section:

- | | |
|---|--|
| <input type="checkbox"/> 416.10 (corporation) | <input checked="" type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input checked="" type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.48 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **KEITH WILLIAMS**
- b. Address: **3553 ATLANTIC AVENUE # 592, LONG BEACH, CA 90807**
- c. Telephone number: **323-251-9556**
- d. The fee for service was: \$ **65**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server.
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **6368**
- (iii) County: **LOS ANGELES**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **11-30-09**

KEITH WILLIAMS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DANIEL J. BRAMZON, ESQ BASTA, INC 2500 WILSHIRE BLVD., SUITE 1111 LOS ANGELES, CA 90057 TELEPHONE NO.: (213) 736-5050 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		POS-010 FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT NOV 8 9 2009 JOHN A. CLARKE, CLERK BY MARIE SANCHEZ/DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL		CASE NUMBER: BC426638
PLAINTIFF/PETITIONER: JULIA ORELLANA, et al. DEFENDANT/RESPONDENT: ONE WEST BANK		Ref. No. or File No.: Dept 311
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 - e. ☐ cross-complaint
 - f. ☐ other (specify documents):
3. a. Party served (specify name of party as shown on documents served):
ONE WEST BANK
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
GABRIEL LOPEZ (BRANCH MANAGER)
4. Address where the party was served:
888 EAST WALNUT STREET, PASADENA, CA 91101
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **11-28-09** (2) at (time): **12:26 PM**
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: JULIA ORELLANA, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: ONE WEST BANK	BC426638

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): ONEWEST BANK

under the following Code of Civil Procedure section:

- | | |
|---|--|
| <input type="checkbox"/> 416.10 (corporation) | <input checked="" type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input checked="" type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: KEITH WILLIAMS
- b. Address: 3553 ATLANTIC AVENUE # 592, LONG BEACH, CA 90807
- c. Telephone number: 323-251-9556
- d. The fee for service was: \$ 65
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: 6368
- (iii) County: LOS ANGELES

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 11-30-09

KEITH WILLIAMS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DANIEL J. BRAMZON, ESQ BASTA, INC 2500 WILSHIRE BLVD., SUITE 1111 LOS ANGELES, CA 90057 TELEPHONE NO.: (213) 736-5050 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT NOV 30 2009 JOHN A. CLARKE, CLERK BY PAUL SANCHEZ, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL		CASE NUMBER: BC426638
PLAINTIFF/PETITIONER: JULIA ORELLANA, et al. DEFENDANT/RESPONDENT: CITIBANK		Ref. No. or File No.: Dept 311
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☐ other (specify documents):
3. a. Party served (specify name of party as shown on documents served):
CITIBANK
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
CINDY SCHMIDT (MANAGER)
4. Address where the party was served:
2250 N. BELLFLOWER BLVD, LONG BEACH, CA 90815
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **11-30-09** (2) at (time): **11:21 AM**
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: JULIA ORELLANA, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: CITIBANK	BC426638

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): CITIBANK

under the following Code of Civil Procedure section:

- | | |
|---|--|
| <input type="checkbox"/> 416.10 (corporation) | <input checked="" type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.80 (authorized person) |
| <input checked="" type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: KEITH WILLIAMS
- b. Address: 3553 ATLANTIC AVENUE # 592, LONG BEACH, CA 90807
- c. Telephone number: 323-251-9556
- d. The fee for service was: \$ 65
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: 6368
- (iii) County: LOS ANGELES

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

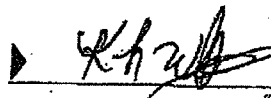
or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 11-30-09

KEITH WILLIAMS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DANIEL J. BRAMZON, ESQ BASTA, INC 2500 WILSHIRE BLVD., SUITE 1111 LOS ANGELES, CA 90057 TELEPHONE NO.: (213) 736-5050 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT NOV 3 0 2009 JOHN A. CLARKE, CLERK SYRACUSE SANCHEZ, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL		
PLAINTIFF/PETITIONER: JULIA ORELLANA, et al. DEFENDANT/RESPONDENT: CITIBANK		CASE NUMBER: BC426638
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: Dpt 311

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
 - I served copies of:
 - ☒ summons
 - ☒ complaint
 - ☒ Alternative Dispute Resolution (ADR) package
 - ☒ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☐ other (specify documents):
 - Party served (specify name of party as shown on documents served):
CITIBANK
 - ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
LINA DUBON (BRANCH MANAGER)
 - Address where the party was served:
4500 ATLANTIC AVE, LONG BEACH, CA 90817
 - I served the party (check proper box)
 - ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **11-30-09** (2) at (time): **10:00 AM** **KW**
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
- ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: JULIA ORELLANA, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: CITIBANK	BC426638

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in Item 2 to the party, to the address shown in Item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): CITIBANK

under the following Code of Civil Procedure section:

- | | |
|---|--|
| <input type="checkbox"/> 416.10 (corporation) | <input checked="" type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input checked="" type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: KEITH WILLIAMS
- b. Address: 3553 ATLANTIC AVENUE # 592, LONG BEACH, CA 90807
- c. Telephone number: 323-251-9556
- d. The fee for service was: \$ 65
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server.
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: 6368
- (iii) County: LOS ANGELES

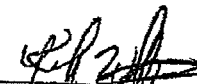
8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
- or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 11-30-09

KEITH WILLIAMS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DANIEL J. BRAMZON, ESQ BASTA, INC 2500 WILSHIRE BLVD., SUITE 1111 LOS ANGELES, CA 90057 TELEPHONE NO.: (213) 736-5050 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		POS-010 FILED LOS ANGELES SUPERIOR COURT NOV 8 9 2009 JOHN A. CLARKE, CLERK BY RAUL SANCHEZ, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL		
PLAINTIFF/PETITIONER: JULIA ORELLANA, et al. DEFENDANT/RESPONDENT: FEDERAL NATIONAL MORTGAGE, et al		CASE NUMBER: BC426638
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: Dept 311

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☐ other (specify documents):
3. a. Party served (specify name of party as shown on documents served):
FEDERAL NATIONAL MORTGAGE ASSOCIATION (FANNIE MAE)
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Ms. SANDY Friedman (AGENT FOR SERVICE)
4. Address where the party was served:
135 NORTH LOS ROBLES AVE SUITE 30, PASADENA CA 91101
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **11-30-09** (2) at (time): **1:55 pm**
 - b. ☐ by substituted service. On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
- (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or ☐ a declaration of mailing is attached.
- (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: JULIA ORELLANA, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: FEDERAL NATIONAL MORTGAGE, et al	BC426638

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgement of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

a. ☐ as an individual defendant.

b. ☐ as the person sued under the fictitious name of (specify):

c. ☐ as occupant.

d. ☒ On behalf of (specify): **FEDERAL NATIONAL MORTGAGE ASSOCIATION**
under the following Code of Civil Procedure section:

☐ 416.10 (corporation)

☐ 416.20 (defunct corporation)

☐ 416.30 (joint stock company/association)

☐ 416.40 (association or partnership)

☒ 416.50 (public entity)

☒ 415.95 (business organization, form unknown)

☐ 416.60 (minor)

☐ 416.70 (ward or conservatee)

☐ 416.90 (authorized person)

☐ 415.46 (occupant)

☐ other:

7. Person who served papers

a. Name: **KEITH WILLIAMS**

b. Address: **3553 ATLANTIC AVENUE # 592, LONG BEACH, CA 90807**

c. Telephone number: **323-251-9556**

d. The fee for service was: **\$ 65**

e. I am:

(1) ☐ not a registered California process server.

(2) ☐ exempt from registration under Business and Professions Code section 22350(b).

(3) ☒ a registered California process server:

(i) ☐ owner ☐ employee ☒ independent contractor.

(ii) Registration No.: **6368**

(iii) County: **LOS ANGELES**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **11-30-09**

KEITH WILLIAMS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)



(SIGNATURE)

POS-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DANIEL J. BRAMZON, ESQ BASTA, INC 2500 WILSHIRE BLVD., SUITE 1111 LOS ANGELES, CA 90057 TELEPHONE NO.: (213) 736-5050 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR DEPOSIT USE ONLY FILED LOS ANGELES SUPERIOR COURT NOV 30 2009 JOHN A. CLARKE, CLERK RAFAEL SANCHEZ, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL		
PLAINTIFF/PETITIONER: JULIA ORELLANA, et al. DEFENDANT/RESPONDENT: U.S. BANCORP		CASE NUMBER: BC426638
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: Dept 311

(Separate proof of service is required for each party served.)

- At the time of service I was at least 18 years of age and not a party to this action.
- I served copies of:
 - ☒ summons
 - ☒ complaint
 - ☒ Alternative Dispute Resolution (ADR) package
 - ☒ Civil Case Cover Sheet (served in complex cases only)
 - ☐ cross-complaint
 - ☐ other (specify documents):
- Party served (specify name of party as shown on documents served):
U.S. BANCORP
 - ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
JOHN FLOK AGENT FOR SERVICE
- Address where the party was served:
818 W. 7TH STREET, LOS ANGELES, CA 90017
- I served the party (check proper box)
 - ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **11-30-09** (2) at (time): **12:39 pm**
 - ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: JULIA ORELLANA, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: U.S. BANCORP	BC426638

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): U.S. BANCORP

under the following Code of Civil Procedure section:

- | | |
|---|--|
| <input type="checkbox"/> 416.10 (corporation) | <input checked="" type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input checked="" type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: KEITH WILLIAMS
- b. Address: 3553 ATLANTIC AVENUE # 592, LONG BEACH, CA 90807
- c. Telephone number: 323-251-9556
- d. The fee for service was: \$ 65
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: 6368
- (iii) County: LOS ANGELES

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: 11-30-09

KEITH WILLIAMS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DANIEL J. BRAMZON, ESQ BASTA, INC 2500 WILSHIRE BLVD., SUITE 1111 LOS ANGELES, CA 90057 TELEPHONE NO.: (213) 736-5050 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FILED POS-010 LOS ANGELES SUPERIOR COURT NOV 30 2009 JOHN A. CLARK, CLERK BY RAUL SANCHEZ, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL		
PLAINTIFF/PETITIONER: JULIA ORELLANA, et al. DEFENDANT/RESPONDENT: BANK OF AMERICA		CASE NUMBER: BC426638
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.: DepT 311

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
 2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☐ other (specify documents):
 3. a. Party served (specify name of party as shown on documents served):
BANK OF AMERICA
 - b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
BJORN FLOE (AGENT FOR SERVICE)
 4. Address where the party was served:
818 W 7TH STREET, LOS ANGELES, CA 90017
 5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **11-30-09** (2) at (time): **12:20 pm**
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
- (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: JULIA ORELLANA, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: BANK OF AMERICA	BC426638

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in Item 2 to the party, to the address shown in Item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.

- d. ☒ On behalf of (specify): **BANK OF AMERICA**
under the following Code of Civil Procedure section:

- | | |
|---|--|
| <input type="checkbox"/> 416.10 (corporation) | <input checked="" type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input checked="" type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **KEITH WILLIAMS**
- b. Address: **3553 ATLANTIC AVENUE # 592, LONG BEACH, CA 90807**
- c. Telephone number: **323-251-9556**
- d. The fee for service was: \$ **65**

e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☒ a registered California process server.
- (i) ☐ owner ☐ employee ☒ Independent contractor.
- (ii) Registration No.: **6368**
- (iii) County: **LOS ANGELES**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **11-30-09**

KEITH WILLIAMS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): DANIEL J. BRAMZON, ESQ BASTA, INC 2500 WILSHIRE BLVD., SUITE 1111 LOS ANGELES, CA 90057 TELEPHONE NO.: (213) 736-5050 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		POS-010 FOR COURT USE ONLY FILED LOS ANGELES SUPERIOR COURT NOV 30 2009 JOHN A. CLARKE, CLERK BY NAME GARCHEZ, DEPUTY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. HILL STREET MAILING ADDRESS: CITY AND ZIP CODE: LOS ANGELES, CA 90012 BRANCH NAME: CENTRAL		CASE NUMBER: BC426638
PLAINTIFF/PETITIONER: JULIA ORELLANA, et al. DEFENDANT/RESPONDENT: BANK OF NEW YORK (MELLON)		Ref. No. or File No.: Dep T 311
PROOF OF SERVICE OF SUMMONS		

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☒ Alternative Dispute Resolution (ADR) package
 - d. ☒ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☐ other (specify documents):
3. a. Party served (specify name of party as shown on documents served):
BANK OF NEW YORK (MELLON)
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
the Brian Flore AGENT FOR SERVICE
4. Address where the party was served:
818 W. 7TH STREET, LOS ANGELES, CA 90017
5. I served the party (check proper box)
 - a. ☒ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **11-30-09** (2) at (time): **12:40 pm**
 - b. ☐ by substituted service. On (date): at (time): I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
- (1) ☐ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
- (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
- (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
- (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): from (city): or ☐ a declaration of mailing is attached.
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PLAINTIFF/PETITIONER: JULIA ORELLANA, et al.	CASE NUMBER:
DEFENDANT/RESPONDENT: BANK OF NEW YORK (MELLON)	BC426638

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- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): **BANK OF NEW YORK (MELLON)**
under the following Code of Civil Procedure section:

- | | |
|---|--|
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| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input checked="" type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **KEITH WILLIAMS**
- b. Address: **3553 ATLANTIC AVENUE # 592, LONG BEACH, CA 90807**
- c. Telephone number: **323-251-9556**
- d. The fee for service was: **\$ 65**
- e. I am:

- (1) ☐ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22360(b).
- (3) ☒ a registered California process server:
- (i) ☐ owner ☐ employee ☒ independent contractor.
- (ii) Registration No.: **6368**
- (iii) County: **LOS ANGELES**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **11-30-09**

KEITH WILLIAMS

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

FILED IN FORM PAU... IS (ORC 885)
 PER ORDER DATED
 AMOUNT RECOVERABLE PURSUANT
 TO 88511.3 GC \$
 PLUS A ONE TIME ADMINISTRATIVE FEE FOR JUDGMENT
 IF THE PARTY BECOMES A JUDGMENT OF \$2000

FEE WAIVER

FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF LOS ANGELES

NOV 20 2009

John A. Clarke, Executive Officer/Clerk

By Mary E. Garcia, Deputy
 MARY E. GARCIA

NOV 19 2009

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

1 Daniel J. Bramzon, State Bar No. 214324
 2 BASTA, Inc.
 3 2500 Wilshire Boulevard, Suite 1111
 4 Los Angeles, California 90057
 5 Telephone: (213) 736-5050

6 Attorneys for Plaintiffs

COM

AV

910006

A6025

7
 8
 9 JULIA ORELLANA, an individual,
 10 MARIA DE LA PAZ CRUZ, an individual,
 11 ARTHUR CRUZ, an individual, AGRIPINO
 12 BALDERAS, an individual, JOSE
 13 MENDOZA, an individual, ANA
 14 GONZALEZ, an individual, MARGARET
 15 DOZIER, an individual, ANTHONY CRUZ,
 16 an individual; ALL OTHERS SIMILARLY
 17 SITUATED,

18 Plaintiffs,

19 v.

20 DEUTSCHE BANK NATIONAL TRUST
 21 COMPANY; ONEWEST BANK; BANK OF
 22 AMERICA; CITIBANK; FEDERAL
 23 NATIONAL MORTGAGE ASSOCIATION;
 24 U.S. BANCORP; BANK OF NEW YORK
 25 MELLON; FEDERAL HOME LOAN
 26 MORTGAGE CORPORATION; DOES 1
 27 through 10,000, inclusive,

28 Defendants.

LASC Case No.

BC 426638

CLASS ACTION

COMPLAINT FOR:

1. FAILURE TO PAY RELOCATION
2. DEMANDING/COLLECTING EXCESSIVE RENT
3. CONSTRUCTIVE EVICTION
4. VIOLATION OF BUSINESS AND PROFESSIONS CODE, §17200
5. NEGLIGENCE

[JURY TRIAL DEMANDED]

22 The above-captioned plaintiffs, on behalf of themselves and all others similarly situated
 23 (collectively, "Tenants" or "Plaintiffs"), allege against the above-captioned defendants (collectively,
 24 "Landlord" or "Defendants") as follows:

NATURE OF THE ACTION

25 This class action seeks relief for, and an end to, a pattern and practice of wrongs and unfair
 26 business practices committed by the Landlord, including:

27 BASTA, Inc. is a California public benefit corporation and federally registered non-profit organization.
 28

1 (a) Maintaining unsafe and inherently substandard dwelling units and residential
 2 dwelling structures in violation of local zoning and municipal ordinances and for which no
 3 Certificate of Occupancy has been obtained from the City of Los Angeles Department of Building
 4 and Safety;

5 (b) Demanding and or collecting rent beyond the amount permitted under the City of
 6 Los Angeles Municipal Code's Rent Stabilization Ordinance;

7 (c) Constructively evicting tenants by maintaining and condoning substandard dwelling
 8 units and refusing to undertake the work necessary to bring the dwelling units into compliance with
 9 local ordinances (e.g., City of Los Angeles Building Code) and State law (e.g., California Health &
 10 Safety Code);

11 (d) Participating in unfair business practices by, among other acts, issuing "notices to
 12 quit" without legal basis, evicting tenants from rent-controlled properties without cause, collecting
 13 unauthorized rents, administering and operating rental properties without a Certificate of
 14 Occupancy, and failing to pay required relocation fees mandated by the City of Los Angeles Rent
 15 Stabilization Ordinance; and

16 (e) Negligently managing or otherwise administering or operating dwelling units
 17 obtained through foreclosure by participating in, or condoning, the conduct described below.

18 THE PARTIES

19 1. Julia Orellana is a tenant living at a dwelling unit owned, managed, or otherwise
 20 administered or operated by the Defendants in the City of Los Angeles. Plaintiff is a resident of the
 21 City and County of Los Angeles and lives at 1283 W. 24th Street, Los Angeles, CA 90007. She is a
 22 victim of the Defendants' course of conduct detailed herein.

23 2. Maria de la Paz Cruz is a tenant living at a dwelling unit owned, managed, or
 24 otherwise administered or operated by the Defendants in the City of Los Angeles. Plaintiff is a
 25 resident of the City and County of Los Angeles and lives at 1802 W. 12th Place, Los Angeles, CA
 26 90006. She is a victim of the Defendants' course of conduct detailed herein.

27 3. Arthur Cruz is a tenant living at a dwelling unit owned, managed, or otherwise
 28 administered or operated by the Defendants in the City of Los Angeles. Plaintiff is a resident of the

1 City and County of Los Angeles. He is a victim of the Defendants' course of conduct detailed
2 herein.

3 4. Agripino Balderas is a tenant living at a dwelling unit owned, managed, or otherwise
4 operated or administered by the Defendants in the City of Los Angeles. Plaintiff is a resident of the
5 City and County of Los Angeles. He is a victim of the Defendants' course of conduct detailed
6 herein.

7 5. Jose Mendoza is a tenant living at a dwelling unit owned, managed, or otherwise
8 operated or administered by the Defendants in the City of Los Angeles. Plaintiff is a resident of the
9 City and County of Los Angeles. He is a victim of the Defendants' course of conduct detailed
10 herein.

11 6. Ana Gonzalez is a tenant living at a dwelling unit owned, managed, or otherwise
12 operated or administered by the Defendants in the City of Los Angeles. Plaintiff is a resident of the
13 City and County of Los Angeles. She is a victim of the Defendants' course of conduct detailed
14 herein.

15 7. Margaret Dozier is a tenant living at a dwelling unit owned, managed, or otherwise
16 administered or operated by the Defendants in the City of Los Angeles. Plaintiff is a resident of the
17 City and County of Los Angeles. She is a victim of the Defendants' course of conduct detailed
18 herein.

19 8. Anthony Cruz is a tenant living at a dwelling unit owned, managed, or otherwise
20 administered or operated by the Defendants in the City of Los Angeles. Plaintiff is a resident of the
21 City and County of Los Angeles. He is a victim of the Defendants' course of conduct detailed
22 herein.

23 9. Defendant Deutsche Bank National Trust Company is, based upon information and
24 belief, a national association and a resident of the County of Los Angeles. Based upon information
25 and belief, its principle place of business is in the City of Los Angeles. It conducts substantial
26 business in the City and County of Los Angeles, including purchasing, owning, managing, or
27 otherwise administering or operating real property in the City of Los Angeles.
28

1 10. Defendant OneWest Bank is a federal savings bank and a resident of the County of
2 Los Angeles. Based upon information and belief, it is headquartered in the City of Pasadena in the
3 County of Los Angeles. It conducts substantial business in the City and County of Los Angeles,
4 including purchasing, owning, managing, or otherwise administering or operating real property in
5 the City of Los Angeles.

6 11. Defendant Bank of America is a Delaware company registered to conduct business
7 with the California Secretary of State. It conducts substantial business in the City and County of
8 Los Angeles, including purchasing, owning, managing, or otherwise administering or operating real
9 property in the City of Los Angeles.

10 12. Defendant Citibank is, based upon information and belief, a New York based
11 company. It conducts substantial business in the City and County of Los Angeles, including
12 purchasing, owning, managing, or otherwise administering or operating real property in the City of
13 Los Angeles.

14 13. Defendant Federal National Mortgage Association (commonly known as "Fannie
15 Mae") is, based upon information and belief, a Washington D.C. based company. It conducts
16 substantial business in the City and County of Los Angeles, including purchasing, owning,
17 managing, or otherwise administering or operating real property in the City of Los Angeles.

18 14. Defendant U.S. Bancorp is a Delaware company registered to conduct business with
19 the California Secretary of State. It conducts substantial business in the City and County of Los
20 Angeles, including purchasing, owning, managing, or otherwise administering or operating real
21 property in the City of Los Angeles.

22 15. Defendant Bank of New York (Mellon) is a New York company registered to
23 conduct business with the California Secretary of State. It conducts substantial business in the City
24 and County of Los Angeles, including purchasing, owning, managing, or otherwise administering or
25 operating real property in the City of Los Angeles.

26 16. Defendant Federal Home Loan Mortgage Corporation (commonly known as "Freddie
27 Mac") is, based upon information and belief, a Virginia based company. It conducts substantial
28

1 business in the City and County of Los Angeles, including purchasing, owning, managing, or
2 otherwise administering or operating real property in the City of Los Angeles.

3 17. The true names and capacities of defendants sued as DOES 1 through 10,000,
4 inclusive, are unknown to the Plaintiffs at this time. Plaintiffs therefore sue said defendants by such
5 fictitious names. Plaintiffs will amend this action to allege the true names and capacities of DOES 1
6 through 10,000, inclusive, when ascertained. Nevertheless, the Plaintiffs are informed and believe,
7 and based thereon allege, that each of the DOE defendants, jointly and severally, are in some
8 manner responsible for the wrongdoing and damages alleged herein. Indeed, based upon
9 information and belief, the Plaintiffs allege that the Defendants have formulated business models
10 designed to create the false impression of separate DOE entities, subsidiaries, and affiliates where
11 truly independent entities do not actually exist – in part, for the purpose of avoiding liability for the
12 wrongdoing alleged herein. Any reference made to the “Landlord” or to the “Defendants” includes
13 DOES 1 through 10,000, inclusive.

14 18. The Plaintiffs are informed and believe, and based thereon allege, that each defendant
15 was the employee, agent, servant, partner, beneficiary, executor, fictitious business name, trustee,
16 subsidiary, related/affiliated entity, assignee, assignor, legal representative, general administrator,
17 member, co-conspirator, and/or joint venturer of each of the remaining Defendants and was acting
18 within the scope of said relationship at the time of the wrongdoing alleged. The Plaintiffs are
19 further informed and believe that each act on the part of each defendant was substantially ratified by
20 each of the remaining defendants, including the DOE defendants.

21 CLASS ACTION ALLEGATIONS

22 Class Allegations for the Class Generally

23 19. Pursuant to Section 382 of the Code of Civil Procedure, Plaintiffs bring this action on
24 behalf of themselves and a similarly situated class defined as: any person who is or was a tenant
25 of any dwelling unit or residential dwelling structure in the City of Los Angeles that is or was
26 owned, managed, or otherwise administered or operated by the Defendants, which was
27 obtained by the Defendants through a foreclosure, and for which the dwelling unit or
28 residential dwelling structure is unapproved for its current use or occupancy or was

1 unapproved for its current use or occupancy at the time of Defendants' ownership,
2 management, administration, or operation thereof (the "Class"). Excluded from the Class are
3 the Defendants and their officers, affiliates, directors, members, employees, shareholders,
4 independent contractors, onsite managers and supervisors, offsite managers and supervisors, other
5 agents however denominated, and the immediate family members of any of the above.

6 20. The members of the Class are sufficiently numerous that joinder of all members
7 would not be feasible or practicable. Although the exact number of Class members is presently
8 unknown to Plaintiffs, the Defendants, based on information and belief, either own, manage, or
9 otherwise administer or operate at least hundreds of relevant foreclosed properties in the City of Los
10 Angeles. Based on local demographics and residential statistics, each foreclosed property shelters,
11 on average, approximately at least four persons. Thus, the Class contains hundreds, if not
12 thousands, of people.

13 21. The Class is ascertainable and shares a well-defined community of interest in
14 questions of law and fact alleged because members of the Class all (a) reside in "unapproved"
15 dwelling units or residential dwelling structures on foreclosed properties in the City of Los Angeles
16 and (b) share the same rights and general remedies arising from the dwellings' "unapproved" status
17 and its consequent inherently substandard living conditions existing thereat.

18 22. The Class further shares a well-defined community of interest in obtaining equitable
19 relief that at least: (a) provides information to the Tenants as to their legal rights in cases where
20 Defendants issue to them "notices to quit" or pursue eviction proceedings, and (b) either compels
21 Defendants to undertake the necessary, legally compliant work as to the substandard and
22 "unapproved" dwellings in order to obtain a Certificate of Occupancy or, in the alternative, provides
23 the Tenants with relocation assistance as mandated by local ordinance.

24 23. The common questions of law and fact as to the general Class predominate over
25 questions affecting only individual Class members. Those questions include, among others:
26
27
28

- 1 (a) whether Defendants own, manage, or otherwise administer or operate
- 2 dwelling units or residential dwelling structures on foreclosed properties that
- 3 are unapproved for their current use or occupancy;²
- 4 (b) whether Defendants have, in part as a policy and practice, demanded and/or
- 5 collected rent, at these substandard properties for which no Certificate of
- 6 Occupancy has been obtained, in excess of the amounts permitted by the City
- 7 of Los Angeles Rent Stabilization Ordinance;
- 8 (c) whether Defendants have constructively evicted the Tenants by maintaining
- 9 and condoning inherently substandard dwelling units while refusing to
- 10 undertake the work necessary to bring the dwelling units into compliance
- 11 with the law (e.g., City of Los Angeles Building Code and California's Health
- 12 and Safety Code);
- 13 (d) whether Defendants have intimidated the Tenants to vacate these
- 14 "unapproved" and substandard properties to avoid payment of required
- 15 relocation fees and to raise the value of their rent-controlled investment,
- 16 including tactics of issuing invalid "notices to quit" and initiating baseless
- 17 eviction proceedings; and
- 18 (e) whether such conduct was undertaken intentionally or negligently.

19 24. The claims of the named plaintiffs are typical of the claims of all members of the

20 Class as mentioned herein. Plaintiffs, as representative parties, will fairly and adequately protect the

21 interests of the Class by vigorously pursuing the lawsuit through the Plaintiffs' attorneys who are

22 sufficiently skilled and experienced. The individually named plaintiffs have no interest antagonistic

23 to those interests of other Class members.

24 25. Notice to members of the Class can be provided through Defendants' records,

25 distribution of notices posted at the properties that the Defendants own, manage, or otherwise

26

27 ² Such dwelling units are easily identifiable, at least in part by the lack of Certificate of Occupancy issued by

28 the City of Los Angeles Department of Building and Safety. Such a lack of certificate qualifies these

dwelling units as inherently substandard by the relevant regulatory agencies.

1 administer or operate, and by publication (the cost of which should properly be imposed on the
2 Defendants).

3 26. Plaintiffs are unaware of any difficulty that will be encountered in the management
4 of this litigation that would preclude its maintenance as a class action. A class action is superior to
5 other available methods for the fair and efficient adjudication of this controversy for at least the
6 following reasons:

7 (a) Based upon information and belief, the case will require substantial
8 management and oversight by the Court due to the potential for an
9 excessively large number of Class members;

10 (b) Based upon information and belief, the case will require substantial
11 management and ongoing oversight by the Court due to the necessary
12 injunctive relief requested by the Plaintiffs related to the Defendants' illegal
13 business practices;

14 (c) Based upon information and belief, the case will require substantial
15 management and oversight by the Court due to a multiplicity of inter-
16 connected, related, and affiliated entities (including the DOE defendants) that
17 may be involved in the wrongs alleged, which the Defendants use as "fronts"
18 and cover in an effort to avoid liability;

19 (d) This action will promote an orderly and expeditious administration and
20 adjudication of the Class claims, foster economies of time, effort, and
21 resources, and ensure uniformity of decisions, especially with respect to
22 uniform business practices that violate state and local laws;

23 (e) The equitable relief sought should be imposed on the Defendants consistently,
24 and a class action is superior to individual actions because a series of
25 individual lawsuits would risk compelling the Defendants to meet
26 inconsistent standards of conduct; and

27 (f) The unnamed members of the Class are frightened of retribution from the
28 Defendants for invoking their rights to seek the judicial relief contained

1 herein, so proceeding in unity as a group will alleviate such fears and
2 concerns as well as protect the rights of those victimized class members not
3 individually named herein.

4 **Class Allegations for the Citation Subclass**

5 27. The Class also includes a subclass defined as: any Class member (any tenant)
6 residing in a dwelling unit or residential dwelling structure, cited by the City of Los Angeles
7 Housing Department or City of Los Angeles Department of Building and Safety for
8 unapproved use, occupancy, construction, or similar violation, and whereby more than 35
9 days have passed since the governmental agency inspection without compliance by the
10 Defendants (the "Citation Subclass").

11 28. The members of the Citation Subclass are sufficiently numerous that joinder of all
12 members would not be feasible or practicable. Although the exact number of Citation Subclass
13 members is presently unknown to Plaintiffs, the Defendants, based on information and belief, either
14 own, manage, or otherwise administer or operate hundreds of foreclosed properties in the City of
15 Los Angeles which have the relevant outstanding notices issued by a local governmental agency.
16 Based on local demographics and residential statistics, each cited property shelters at least an
17 estimated four persons. Thus, the Citation Subclass contains hundreds, if not thousands, of people.

18 29. The Citation Subclass is ascertainable and shares a well-defined community of
19 interest in questions of law and fact alleged because members of the Citation Subclass share the
20 same rights and general remedies arising from the "unapproved" status cited by either the City of
21 Los Angeles Housing Department or Department of Building and Safety. Particularly, all members
22 of the Citation Subclass reside in dwelling units on foreclosed properties in the City of Los Angeles
23 that have already been cited by a governmental agency for unapproved use, occupancy,
24 construction, or similar violation and where such citation has remained unremedied for more than 35
25 days.

26 30. The Citation Subclass has a well-defined community of interest in obtaining
27 equitable relief that at least: (a) provides information to the Tenants as to their legal rights in cases
28 where Defendants issue to them "notices to quit" or pursue eviction proceedings rather than

1 remedying the "unapproved" status citations issued to the Defendants by the local governmental
2 agency, and (b) compels Defendants to undertake the necessary work as to the citations issued
3 against them or, in the alternative, provide the Tenants with relocation assistance as mandated by
4 local ordinance should the Defendants choose not to remedy the citations.

5 31. Besides the common questions of law and fact pertaining to the general Class,
6 additional common questions of law and fact as to the Citation Subclass predominate over questions
7 affecting only individual members of the Citation Subclass. Those additional questions include,
8 without limitation:

9 (a) whether Defendants own, manage, or otherwise administer or operate
10 residential dwelling units and structures on foreclosed properties that have
11 already been cited by a governmental agency for unapproved use, occupancy,
12 construction, or other similar violation; and

13 (b) whether such citation has remained outstanding without remedy for more than
14 35 days.

15 32. The claims of the named plaintiffs are typical of the claims of all members of the
16 Citation Subclass as mentioned herein. Plaintiffs, as representative parties, will fairly and
17 adequately protect the interests of the Citation Subclass by vigorously pursuing the suit through the
18 Plaintiffs' attorneys who are sufficiently skilled and experienced. The individually named plaintiffs
19 have no interest antagonistic to those interests of the Citation Subclass.

20 33. Notice to members of the Citation Subclass can be provided through the Defendants'
21 records, distribution of notices posted at the properties that the Defendants own, manage, or
22 otherwise administer or operate, and by publication (the cost of which should properly be imposed
23 on Defendants).

24 34. Plaintiffs are not aware of any difficulty that will be encountered in the management
25 of this litigation that would preclude the maintenance of this class action with a Citation Subclass.
26 A class action with a Citation Subclass is superior to other available methods for the fair and
27 efficient adjudication of this controversy for at least the following reasons:
28

(a) Based upon information and belief, the case will require substantial case

1 management and oversight by the Court due to the large number of members
2 in the Citation Subclass and the necessary injunctive relief against the
3 Defendants' illegal business practices;

4 (b) This action will promote an orderly and expeditious administration and
5 adjudication of the Citation Subclass' claims, foster economies of time, effort,
6 and resources, and ensure uniformity of decisions, with respect to uniform
7 business practices that violate the local ordinances and State laws;

8 (c) The equitable relief sought should be imposed on the Defendants consistently
9 and a class action that includes a Citation Subclass is superior to individual
10 actions because a series of individual actions would risk compelling the
11 Defendants to meet inconsistent standards of behavior; and

12 (d) The unnamed members of the Citation Subclass are frightened of retribution
13 from the Defendants for invoking their right to seek the judicial relief
14 contained herein, so proceeding in unity as a group will alleviate such fears
15 and concerns as well as protect the rights of those victimized subclass
16 members not individually named herein.

17 **Class Allegations for the Rent Collection Subclass**

18 35. The Class also includes a subclass defined as: any Class member (any tenant) from
19 whom rent has been demanded, collected, or retained by the Defendants or any agents thereof
20 (the "Rent Collection Subclass").

21 36. The members of the Rent Collection Subclass are sufficiently numerous that joinder
22 of all members would not be feasible or practicable. Although the exact number of Rent Collection
23 Subclass members is presently unknown to Plaintiffs, the Defendants, based on information and
24 belief, either own, manage, or otherwise administer or operate hundreds of foreclosed properties in
25 the City of Los Angeles wherein Defendants, whether directly or through agents, have demanded,
26 collected, or retained rents from the Tenants. Based on local demographics and residential statistics,
27 each foreclosed property shelters at least four persons. Thus, the Rent Collection Subclass contains
28 hundreds, if not thousands, of people.

1 37. The Rent Collection Subclass is ascertainable and shares a well-defined community
 2 of interest in questions of law and fact alleged because members of the Rent Collection Subclass
 3 share the same rights and general remedies arising from the unpermitted behavior of the defendants
 4 by demanding, collecting, and/or retaining rents paid by the Tenants to the Defendants. Particularly,
 5 the Rent Collection Subclass has a well-defined community of interest in obtaining (a) disgorgement
 6 and restitution of any rents collected and/or retained (as well as any statutory damages associated
 7 therewith), and (b) equitable relief that at least: (i) provides information to any Rent Collection
 8 Subclass member explaining their rights as to rent collection on foreclosed properties where the
 9 subclass member resides in an "unapproved" dwelling, (ii) compels Defendants to no longer
 10 demand and collect rent from the Tenants without first obtaining both a Certificate of Occupancy
 11 from the LADBS³ and a Certificate of Registration from the LAHD⁴, and (iii) orders the Defendants
 12 to obtain a Certificate of Occupancy from the LADBS and a Certificate of Registration from the
 13 LAHD.

14 38. Besides the common questions of law and fact pertaining to the general Class,
 15 additional common questions of law and fact as to the Rent Collection Subclass predominate over
 16 questions affecting only individual members of the Rent Collection Subclass. Those questions
 17 include, without limitation:

- 18 (a) whether the Defendants have obtained both a Certificate of Occupancy from
- 19 the LADBS and a Certificate of Registration from the LAHD;
- 20 (b) whether the Defendants demanded, collected, or retained rents from Tenants
- 21 in dwelling units that do not have both certificates; and
- 22 (c) whether the Defendants have undertaken such unauthorized rent collection as
- 23 an overall pattern and business practice.

24 39. The claims of the named plaintiffs are typical of the claims of all members of the
 25 Rent Collection Subclass as mentioned herein. Plaintiffs, as representative parties, will fairly and
 26

27 ³ City of Los Angeles Department of Building and Safety.

28 ⁴ City of Los Angeles Housing Department.

adequately protect the interests of the Rent Collection Subclass by vigorously pursuing the suit through the Plaintiffs' attorneys who are sufficiently skilled and experienced. The individually named plaintiffs have no interest antagonistic to those interests of the Rent Collection Subclass

40. Notice to members of the Rent Collection Subclass can be provided through the Defendants' records, distribution of notices posted at the properties that the Defendants own, manage, or otherwise administer or operate, and by publication (the cost of which should properly be imposed on Defendants).

41. Plaintiffs are not aware of any difficulty that will be encountered in the management of this litigation that would preclude the maintenance of this class action with a Rent Collection Subclass. A class action with a Rent Collection Subclass is superior to other available methods for the fair and efficient adjudication of this controversy for at least the following reasons:

(a) Based upon information and belief, the case will require substantial case management and oversight by the Court due to the large number of members in the Rent Collection Subclass and the necessary injunctive relief against the Defendants' illegal business practices;

(b) This action will promote an orderly and expeditious administration and adjudication of the Rent Collection Subclass' claims, foster economies of time, effort, and resources, and ensure uniformity of decisions, with respect to uniform business practices that violate the local ordinances and State laws; and

(c) The equitable relief sought should be imposed on the Defendants consistently and a class action that includes a Rent Collection Subclass is superior to individual actions because a series of individual actions would risk compelling the Defendants to meet inconsistent standards of behavior.

FIRST CAUSE OF ACTION: FAILURE TO PAY RELOCATION

(By All Members of the Citation Subclass Against All Defendants)

42. Plaintiffs incorporate herein by reference paragraphs 1 through 41 as though fully set forth verbatim herein.

1 43. Members of the Citation Subclass are tenants that reside in dwelling units or
2 residential dwelling structures on foreclosed properties subject to the City of Los Angeles Rent
3 Stabilization Ordinance ("LARSO"), a chapter of the City of Los Angeles Municipal Code
4 ("LAMC"), specifically §151, et seq.

5 44. The Tenants' dwelling units or residential dwelling structures have been cited by
6 either the LAHD or the LADBS for either unapproved use, unapproved occupancy, unapproved
7 construction, or some similar violation. These citations require that the subject unit be vacated and
8 the tenancy be terminated.

9 45. When a tenancy must be terminated as a result of such a governmental agency
10 citation, LARSO requires that the landlord pay to the tenant relocation fees fixed by the City
11 ordinance.

12 46. The Landlord has refused or failed to pay these mandated relocation fees
13 notwithstanding the governmental agency citations -- thereby leaving the Tenants to continue
14 residing in inherently substandard and dangerous conditions.

15 47. As a proximate result, the Plaintiffs have been damaged in an amount to be proven at
16 trial.

17 48. Having been made aware of the inherently substandard conditions at the subject
18 properties -- the consequent result of not having a Certificated of Occupancy -- through a
19 governmental agency inspection and/or the lack of a Certificate of Occupancy, yet nevertheless (a)
20 refusing to undertake the necessary work to obtain a Certificate of Occupancy so as to make the
21 unit(s) fit for human habitation, and/or (b) in the alternative, failing to provide the Tenants with the
22 relocation fees as imposed upon the landlord by local ordinance, the Defendants' conduct and the
23 conduct of the Defendants' officers, directors, and/or managing agents who authorized, directed,
24 and/or ratified the Defendants' acts was willful and intentional and done with oppression and malice
25 against the members of the subclass, and with a conscious disregard of their rights, safety, and well-
26 being.
27
28

1 **SECOND CAUSE OF ACTION: DEMANDING/COLLECTING EXCESSIVE RENT**

2 *(By All Members of the Rent Collection Subclass Against All Defendants)*

3 49. Plaintiffs incorporate herein by reference paragraphs 1 through 48 as though fully set
4 forth verbatim herein.

5 50. Members of the Rent Collection Subclass are tenants that reside in dwelling units
6 subject to LARSO (a chapter of the LAMC, specifically §151, et seq.), from whom rent has been
7 demanded, collected, or retained.

8 51. Per LAMC, §91.109.1, in order to safeguard life and limb, health, property and
9 public welfare, every building or structure shall conform to the construction requirements for the
10 subgroup occupancy to be housed therein, or for the use to which the building or structure is to be
11 put. No building or structure or portion shall be used or occupied until a Certificate of Occupancy
12 has been issued by the LADBS.

13 52. The subclass members' dwelling units do not have a Certificate of Occupancy, so the
14 underlying occupancy and leases (whether verbal or written, whether express or implied) are in
15 violation of law, and any rents generated thereupon are a result of an illegal purpose or condition.
16 Thus, the rent level for these "illegal" dwelling units should be zero.

17 53. For dwelling units subject to LARSO, a landlord is not permitted to demand, collect,
18 or retain rents in excess of the maximum rent levels established by LARSO. The rent levels for a
19 dwelling unit without a Certificate of Occupancy should be zero. Therefore, any rents demanded,
20 collected, or retained above the zero sum are in excess of the maximum permitted LARSO rent
21 levels.

22 54. Moreover, per LAMC, §151.05, no landlord shall demand or accept rent for a rental
23 unit without first procuring and serving on the tenant or displaying in a conspicuous place a
24 Certificate of Registration from the LAHD. The Tenants' dwelling units do not have such a
25 Certificate of Registration.

26 55. In order to collect rent from the subclass members, their dwelling unit must have
27 both a Certificate of Occupancy (from LADBS) and a Certificate of Registration (LAHD).
28

1 56. As a proximate result of the Defendants' failure to obtain both required certificates
2 while nevertheless demanding, collecting, or retaining rents, the Tenants have been damaged in an
3 amount to proven at trial.

4 57. Having been made at least constructively aware of the lack of Certificate of
5 Occupancy related to the respective property – thereby triggering an inherently substandard
6 condition at the subject properties housing members of the Class and/or subclass – while
7 nevertheless (a) demanding and/or collecting rent thereupon, and/or (b) refusing to undertake the
8 necessary work to obtain a Certificate of Occupancy so as to make the dwelling unit(s) fit for human
9 habitation, the Defendants' conduct and the conduct of the Defendants' officers, directors, and/or
10 managing agents who authorized, directed, and/or ratified the Defendants' acts was willful and
11 intentional and done with oppression and malice against the members of the class and subclass, and
12 with a conscious disregard of their rights, safety, and well-being. Therefore, at least under these
13 circumstances, the Defendants' behavior is despicable and warrants the imposition of punitive
14 damages in a sum appropriate to punish the Defendants and deter future, similar misconduct.

15 **THIRD CAUSE OF ACTION: CONSTRUCTIVE EVICTION**

16 *(By All Members of the Class Against All Defendants)*

17 58. Plaintiffs incorporate herein by reference paragraphs 1 through 57 as though fully set
18 forth verbatim herein.

19 59. The Tenants reside on foreclosed properties in dwelling units for which there is no
20 Certificate of Occupancy.

21 60. Per LAMC, §91.109.1, in order to safeguard life and limb, health, property and
22 public welfare, every building or structure shall conform to the construction requirements for the
23 subgroup occupancy to be housed therein, or for the use to which the building or structure is to be
24 put. No building or structure or portion shall be used or occupied until a Certificate of Occupancy
25 has been issued by the LADBS.

26 61. The Defendants have refused to undertake the necessary work (to be conducted by
27 licensed contractors) in order to obtain the mandated Certificate of Occupancy, thereby forcing the
28

1 Tenants to be constructively or actually evicted from their rent-controlled dwelling units that remain
2 unapproved for human habitation and occupancy.

3 62. As a proximate cause of this conduct, the Tenants have suffered damages in an
4 amount to be proven at trial.

5 63. Being aware of the inherently substandard conditions – the consequent result of not
6 having a Certificate of Occupancy – through a governmental agency inspection and/or the lack of a
7 Certificate of Occupancy, yet nevertheless (a) demanding and/or collecting rent thereupon, (b)
8 refusing to undertake the necessary work to obtain a Certificate of Occupancy so as to make the
9 dwelling units fit for human habitation, and/or (c) in the alternative, failing to provide the Tenants
10 with the relocation fees as imposed upon the landlord by local ordinance, the Defendants' conduct
11 and the conduct of the Defendants' officers, directors, and/or managing agents who authorized,
12 directed, and/or ratified the Defendants' acts was willful and intentional and done with oppression
13 and malice against the members of the Class, as well as with a conscious disregard of their rights,
14 safety, and well-being. In addition, the above conduct is at least in part a premeditated course of
15 conduct intended to harass, and create discomfort for, the Class to encourage them to vacate their
16 rent-controlled apartments so that the Defendants can sell the properties obtained by foreclosure
17 auction at higher values. The Defendants' behavior is despicable and warrants the imposition of
18 punitive damages in a sum appropriate to punish the Defendants and deter future, similar
19 misconduct.

20 **FOURTH CAUSE OF ACTION: VIOLATION OF**
21 **BUSINESS AND PROFESSIONS CODE, §17200**

22 *(By All Members of the Class Against All Defendants)*

23 64. Plaintiffs incorporate herein by reference paragraphs 1 through 63 as though fully set
24 forth verbatim herein.

25 65. The Landlord has undertaken conduct that is unlawful, unfair, fraudulent, and/or
26 deceptive by, among other ways:

27 (a) Owning, managing, or otherwise administering or operating dwelling units on
28 foreclosed properties without a Certificate of Occupancy;

- (b) Failing to undertake the necessary compliance work at its foreclosed properties in order to obtain a Certificate of Occupancy;
- (c) Demanding and collecting rent without first obtaining both a Certificate of Occupancy from the LADBS and a Certificate of Registration from the LAHD;
- (d) Issuing facially invalid "notices to quit" without one of the permitted reasons to evict the Tenants pursuant to LARSO;
- (e) Filing unlawful detainer actions for the purpose of intimidating Tenants into vacating rent-controlled dwelling units, in part, for the purpose of avoiding payment of relocation fees under LARSO;
- (f) Filing unlawful detainer actions for the purpose of intimidating Tenants into vacating rent-controlled dwelling units, in part, for the purpose of raising the value of properties purchased at foreclosure auction that the Defendants intend to sell;
- (g) Misleading the Tenants into vacating the rent-controlled properties in the first instance and, in the second instance, without paying the relocation fees to which the Tenants are entitled; and
- (h) Owning, managing, or otherwise administering or operating dwelling units on foreclosed properties in substandard condition (as determined by a governmental agency), thereby limiting the Tenants' beneficial use of the property.

66. Each of these business practices and the others described in the preceding causes of action and incorporated by reference into this cause of action are also unfair business practices in that they violate established public policies and/or laws and have no substantial justification.

67. Plaintiffs have lost money or property as a result of the Defendants' unlawful and unfair business practices.

68. As a proximate result of this behavior, the Tenants have been damaged in an amount to be proven at trial.

FIFTH CAUSE OF ACTION: NEGLIGENCE*(By All Members of the Class Against All Defendants)*

69. Plaintiffs incorporate herein by reference paragraphs 1 through 68 as though fully set forth verbatim herein.

70. The Defendants owed Plaintiffs a general duty of care arising out of their tenancies, including but not limited to: (a) providing the Plaintiffs with a safe and habitable dwelling not deemed substandard, (b) abiding by all the relevant laws intended to protect tenants such as having appropriate governmental agency personnel determine whether the dwelling unit meets all the legal criteria of safety, habitability, and tenantability so as to issue a Certificate of Occupancy thereupon, (c) providing legally required relocation benefits upon established criteria, and (d) refraining from illicit activities intended to "encourage" the Tenants to vacate their rent-controlled dwelling units.

71. To the extent that any of the above allegations may be deemed or categorized as "accidental" rather than intentional, then the Defendants breached their general duty by *negligently* undertaking the actions described above.

72. As a proximate result of the Defendants' negligence, Plaintiffs suffered injuries and damage in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for judgment against Defendants, jointly and severally, as follows:

FIRST CAUSE OF ACTION*(Failure to Pay Relocation)*

- (a) For compensatory, general, statutory, and punitive damages according to proof;
- (b) For attorneys' fees pursuant to applicable statutes and ordinances;
- (c) For preliminary and permanent injunctive relief; and
- (d) For such other and further relief that the Court may deem just and proper, including any relief necessary for the Defendants to cease the illegal conduct.

SECOND CAUSE OF ACTION*(Demanding/Collecting Excessive Rent)*

- (a) For compensatory, general, statutory, and punitive damages according to proof;
- (b) For attorneys' fees pursuant to applicable statutes and ordinances;
- (c) For preliminary and permanent injunctive relief; and
- (d) For such other and further relief that the Court may deem just and proper, including any relief necessary for the Defendants to cease the illegal conduct.

THIRD CAUSE OF ACTION*(Constructive Eviction)*

- (a) For compensatory, general, and punitive damages according to proof;
- (b) For preliminary and permanent injunctive relief; and
- (c) For such other and further relief that the Court may deem just and proper, including any relief necessary for the Defendants to cease the illegal conduct.

FOURTH CAUSE OF ACTION*(Violation of Business and Professions Code, §17200)*

- (a) For disgorgement and restitution according to proof;
- (b) For attorneys' fees pursuant to applicable statutes and ordinances;
- (c) For preliminary and permanent injunctive relief; and
- (d) For such other and further relief that the Court may deem just and proper, including any relief necessary for the Defendants to cease the illegal conduct.

FIFTH CAUSE OF ACTION*(Negligence)*

- (a) For compensatory and general damages according to proof; and

DATED: November 18, 2009

BASTA, Inc.

By: Daniel J. Bramzon
 Daniel J. Bramzon
 Attorneys for Plaintiffs

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Daniel J. Bramzon, State Bar No. 214324 BASTA, Inc. 2500 Wilshire Boulevard, Suite 1111, Los Angeles, CA 90057 TELEPHONE NO.: (213) 736-5050 FAX NO.: ATTORNEY FOR (Name): Plaintiffs		CM-010 FOR COURT USE ONLY <div style="text-align: center; font-size: 1.5em; font-weight: bold;">FILED</div> <div style="text-align: center; font-weight: bold;">SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES</div> <div style="text-align: center; font-size: 1.2em; font-weight: bold;">NOV 26 2009</div> John A. Clarke, Executive Officer/Clerk By <u>Mary E. Garcia</u> Deputy MARY E. GARCIA	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Central		CASE NAME: Orellana, et al. v. Deutsche Bank National Trust Company, et al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
CASE NUMBER: <div style="text-align: center; font-size: 1.5em; font-weight: bold;">BC 426638</div>		JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|---|--|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (16)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation
(Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|---|
2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|---|---|
| a. <input checked="" type="checkbox"/> Large number of separately represented parties
b. <input checked="" type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | d. <input checked="" type="checkbox"/> Large number of witnesses
e. <input checked="" type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. <input checked="" type="checkbox"/> Substantial postjudgment judicial supervision |
|---|---|
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): **five**
5. This case ☒ is ☐ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: November 18, 2009

Daniel J. Bramzon

(TYPE OR PRINT NAME)

Daniel J. Bramzon
 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

CM-010

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)
Auto (22)—Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (If the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)	Breach of Rental/Lease	Construction Defect (10)
	Contract (not unlawful detainer or wrongful eviction)	Claims Involving Mass Tort (40)
	Contract/Warranty Breach—Seller	Securities Litigation (28)
	Plaintiff (not fraud or negligence)	Environmental/Toxic Tort (30)
	Negligent Breach of Contract/Warranty	Insurance Coverage Claims (arising from provisionally complex case type listed above) (41)
Other P/DPDWD (Personal Injury/Property Damage/Wrongful Death) Tort	Other Breach of Contract/Warranty	Enforcement of Judgment
Asbestos (04)	Collections (e.g., money owed, open book accounts) (09)	Enforcement of Judgment (20)
Asbestos Property Damage	Collection Case—Seller Plaintiff	Abstract of Judgment (Out of County)
Asbestos Personal Injury/Wrongful Death	Other Promissory Note/Collections Case	Confession of Judgment (non-domestic relations)
Product Liability (not asbestos or toxic/environmental) (24)	Insurance Coverage (not provisionally complex) (18)	Sister State Judgment
Medical Malpractice (45)	Auto Subrogation	Administrative Agency Award (not unpaid taxes)
Medical Malpractice—Physicians & Surgeons	Other Coverage	Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Professional Health Care Malpractice	Other Contract (37)	Other Enforcement of Judgment Case
Other P/DPDWD (23)	Contractual Fraud	
Premises Liability (e.g., slip and fall)	Other Contract Dispute	Miscellaneous Civil Complaint
Intentional Bodily Injury/PDWD (e.g., assault, vandalism)	Real Property	RICO (27)
Intentional Infliction of Emotional Distress	Eminent Domain/Inverse Condemnation (14)	Other Complaint (not specified above) (42)
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Declaratory Relief Only
Other P/DPDWD	Other Real Property (e.g., quiet title) (26)	Injunctive Relief Only (non-harassment)
Non-P/DPDWD (Other) Tort	Writ of Possession of Real Property	Mechanics Lien
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Other Commercial Complaint Case (non-tort/non-complex)
Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)	Quiet Title	Other Civil Complaint (non-tort/non-complex)
Defamation (e.g., slander, libel) (13)	Other Real Property (not eminent domain, landlord/tenant, or foreclosure)	Miscellaneous Civil Petition
Fraud (18)	Unlawful Detainer	Partnership and Corporate Governance (21)
Intellectual Property (19)	Commercial (31)	Other Petition (not specified above) (43)
Professional Negligence (25)	Residential (32)	Civil Harassment
Legal Malpractice	Drugs (38) (If the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential)	Workplace Violence
Other Professional Malpractice (not medical or legal)	Judicial Review	Elder/Dependent Adult Abuse
Other Non-P/DPDWD Tort (35)	Asset Forfeiture (05)	Election Contest
Employment	Petition Re: Arbitration Award (11)	Petition for Name Change
Wrongful Termination (36)	Writ of Mandate (02)	Petition for Relief From Late Claim
Other Employment (15)	Writ—Administrative Mandamus	Other Civil Petition
	Writ—Mandamus on Limited Court Case Matter	
	Writ—Other Limited Court Case Review	
	Other Judicial Review (39)	
	Review of Health Officer Order	
	Notice of Appeal—Labor Commissioner Appeals	

SHORT TITLE: Orellana, et al. v. Deutsche Bank National Trust Co., et al.	CASE NUMBER BC 420638
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**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☒ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL 30-60 ☐ HOURS/ ☒ DAYS

Item II. Select the correct district and courthouse location (4 steps - If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column B below which best describes the nature of this case.

Step 3: In Column C, circle the reason for the court location choice that applies to the type of action you have checked, or any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4. 1., 2., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4. 1., 2., 4. 1., 2., 3. 1., 2., 4.
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

SHORT TITLE: Orellana, et al. v. Deutsche Bank National Trust Co., et al.		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons -See Step 3 Above
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input checked="" type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute (not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition for Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

SHORT TITLE: Orellana, et al. v. Deutsche Bank National Trust Co., et al.		CASE NUMBER
A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 8. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: Orellana, et al. v. Deutsche Bank National Trust Co., et al.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			ADDRESS: 1802 W. 12th Place
CITY: Los Angeles	STATE: CA	ZIP CODE: 90006	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subs. (b), (c) and (d)).

Dated: November 18, 2009

David J. Brum
(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

PROOF OF SERVICE
[CCP 1013a; Fed. R. Civ. P.6]

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 3699 Wilshire Boulevard, Suite 890, Los Angeles, California 90010.

On December 21, 2009, I served the foregoing document, described as NOTICE TO FEDERAL COURT OF REMOVAL OF CIVIL ACTION FROM STATE COURT PURSUANT TO 28 U.S.C. §§ 1331 & 1442 and 12 U.S.C. §1452(f) in this action by placing the original/copies thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as follows:

SEE ATTACHED SERVICE LIST

- ☒ [BY MAIL] I am "readily familiar" with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence is deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and, with postage thereon fully prepaid, placed for collection and mailing on this date, following ordinary business practices, in the United States mail at Los Angeles, California.
- ☐ [BY E-MAIL] By electronically transmitting the document(s) listed above addressed as set forth on the attached service list.
- ☒ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- ☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Cara Doich

SERVICE LIST

Daniel J. Bramzon

BASTA, Inc.

2500 Wilshire Boulevard, Suite 1111

Los Angeles, CA 90057

Deutsche Bank National Trust Company

2000 Avenue Of The Stars, Suite 1000

Los Angeles, CA 90067

One West Bank

888 East Walnut Street

Pasadena, CA 91101

Bank of America

333 South Hope

Los Angeles, CA

CitiBank

12731 W. Jefferson Boulevard

Los Angeles, CA 90066

Federal National Mortgage Association

3900 Wisconsin Avenue, NW

Washington, DC 20016

U.S. Bancorp

633 W. Fifth Street, 25th Floor

Los Angeles, CA 90071

Bank of New York Mellon

700 South Flower Street, Suite 200

Los Angeles, CA 90017

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Manuel Real and the assigned discovery Magistrate Judge is Paul L. Abrams.

The case number on all documents filed with the Court should read as follows:

CV09- 9367 R (PLAx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

Unless otherwise ordered, the United States District Judge assigned to this case will hear and determine all discovery related motions.

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/> JULIA ORELLANA, an individual, MARIA DE PAZ CRUZ, an individual, ARTHUR CRUZ, an individual, AGRIPO BALDERAS, an individual, JOSE MENDOZA, an individual, JOSE MENDOZA, an individual, etc., et al.		DEFENDANTS FEDERAL HOME LOAN MORTGAGE CORPORATION; FEDERAL NATIONAL MORTGAGE ASSOCIATION, DEUTSCHE BANK	
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) Daniel J. Bramzon, Esq., Basta, Inc., 2500 Wilshire Boulevard, Suite 1111, Los Angeles, CA 90057, (213) 736-5050		Attorneys (If Known) Irwin S. Evans, Esq. (SBN: 037896), Kenneth M. Jones, Esq. (SBN: 140358) LAW OFFICES OF GONZALEZ SAGGIO & HARLAN LLP, 3699 Wilshire Boulevard, Suite 890, Los Angeles, CA 90010, (213) 487-1400	

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:30%;">Citizen of This State</td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> <td style="width:50%;"></td> <td style="width:10%; text-align: center;">PTF</td> <td style="width:10%; text-align: center;">DEF</td> </tr> <tr> <td></td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td style="text-align: center;"><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> <td style="text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td style="text-align: center;"><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> <td style="text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td style="text-align: center;"><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> <td style="text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF		PTF	DEF		<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF		PTF	DEF																				
	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.) <input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge
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V. REQUESTED IN COMPLAINT: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check "Yes" only if demanded in complaint.) CLASS ACTION under F.R.C.P. 23: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

VII. NATURE OF SUIT (Place an X in one box only.)					
OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input checked="" type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes
 If yes, list case number(s): _____

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes
 If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. **VENUE:** (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named plaintiff resides.
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

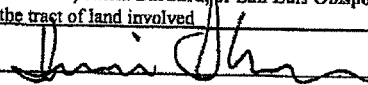
- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH named defendant resides.
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
	Federal Home Loan Mortgage Corporation, McLean, Virginia Federal National Mortgage Association, Washington, D.C.

- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which EACH claim arose.
Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties
Note: In land condemnation cases, use the location of the tract of land involved

X. **SIGNATURE OF ATTORNEY (OR PRO PER):**  Date December 21, 2009

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))